

# FLRA

## Office of the General Counsel

*Town Hall Meeting Series*  
*FY2010 Year in Review*



# OGC Mission, Function and Structure

- ❑ Office of General Counsel (OGC) is an independent component of the FLRA charged with investigating and prosecuting unfair labor practice cases and deciding representation cases.
- ❑ OGC is composed of a headquarters office in Washington, D.C. and seven regional offices.
- ❑ OGC employees interface with federal management and union representatives, employees, supervisors and managers on a daily basis, handling nearly 4,500 ULP cases and 300 Representation cases, and providing labor relations training, information and filing assistance to tens of thousands of individuals annually.

# First Term Goals and Priorities

1. Eliminate backlog of ULP complaint and appeals cases within first **180 days**.
2. Restore public information resources within the first **18 months**.
3. Improve timeliness in OGC core mission functions (i.e. Unfair Labor Practice and REP case processing) within the **first term**.

# FY 2010 Goals and Priorities in Context

- ❑ On August 17, 2009, General Counsel took office, after 18 month General Counsel and Deputy General Counsel vacancy.
- ❑ Programmatic consequences of GC and DGC vacancy substantial and significant. (Note: statutory scheme of CSRA and Vacancies Reform Act provide for continuity of FLRA/OGC operations through the appointment of Deputy GC)
- ❑ Consequently, past year's focus:
  - clearing ULP complaint and appeals case backlog caused by these key vacancies;
  - rebuilding lost information resources;
  - and positioning OGC to resume federal sector labor relations leadership

# First Term Goals and Priorities

- 1. Eliminate backlog of complaint and appeals cases within first 180 days.**
  - ✓ All 342 backlogged complaint cases have been settled, tried or scheduled for trial.
  - ✓ All 800 backlogged appeals cases completed on time.
  - ✓ FLRA agents are now working new filings.

# First Term Goals and Priorities

2. **Restore on-line information resources within first 18 months, in order to provide practical, accessible information to all federal managers, supervisors, union representatives and employees.**
  - ✓ Updated web-based ULP manual and case law summary.
    - REP hearing officer guide, manual and case law summary *to be completed*
  - ✓ Statutory training resumed/training materials posted.
  - ✓ Joint OGC/FMCS E.O. 13522 training launched.
  - ✓ OGC trained over **5,600 individuals** in FY 2010

# Training Courses

- Basic and Advanced Statutory Training
- Representation Case Training
- FLRA OGC/FMCS E.O. 13522 Training
- FLRA 7106(b)(1) Pilot Project Training

# FLRA OGC/FMCS Course Overview

**FLRA:** Overview of Executive Order 13522, Collective Bargaining under the Statute, including section 7106(b)(1) and Pre-Decisional Involvement.

**FMCS:** Introduction to Labor-Management Forums, skill building and next steps for starting a Labor-Management Forum.

# FLRA 7106(b)(1) Pilot Project Training

- Provided to bargaining committee participating in E. O. 13522 pilot projects.
- Presented by senior FLRA Authority and OGC attorneys.
- Available, resources permitting, to other labor management groups.

# First Term Goals and Priorities

3. Improve timeliness in **core mission functions** (i.e. Unfair Labor Practice and REP case processing) within the **first term**.

# *OGC Core Mission Functions*

## *ULP and REP Case Processing*



# What is the OGC Core Mission?

To fairly and responsibly perform functions for which the OGC has EXCLUSIVE statutory or regulatory jurisdiction.

- Investigating and prosecuting Unfair Labor Practices
- Deciding Representation cases, including determining the scope of bargaining units and conducting secret ballot elections.

# First Term Goals and Priorities

## **Improve Unfair Labor Practice and REP case processing in relation to time targets**

- Current time target for ULP and REP cases 120 days. OGC meets target 49% for ULP and 65% REP.
- Management and Unions agree on the critical need for improvement.
- Essential to good government that OGC performance in relation to these targets improve.

# Evolution of Staffing/Time Targets

**1990-2004**

**Structure:** 7 Regional Offices

**Staffing:** Regional Director, Regional Attorney or DRD, 11 Agents per office – Total of 77 Agents

**Time Target:** 90 days for ULP and REP

**Performance:** Not More than 15% of Pending ULP Cases Over 90 Days Old at End of Month

**OGC structure, staffing, and core mission performance constant until mid-2000's**

# Evolution of Staffing/Time Targets

- **2004-2005** Reassessment: Assumed substantial caseload reduction due to proposed adoption of NSPS and DHS Personnel Systems
- **2005-08** FLRA Political Leadership cut OGC staffing from 77 to 38 agents.
- When predicted caseload reduction failed to materialize, **OGC time targets were increased from 90 to 120 days** for ULP and REP cases
- Performance in relation to this longer target deteriorated due to understaffing.

# Evolution of Staffing/Time Targets

## FY 2011 Status and Challenge

- ❑ OGC workforce currently handles a caseload of over 100 cases per agent, a 35<sup>0</sup>% increase over 2004 levels.
- ❑ Case filings increased by 23% over 2008 levels.
- ❑ Current Staffing: 7 Regional Directors, 2 Regional Attorneys, 1 Deputy RD, and 43 Agents to handle annual caseload of 4500 ULP and 300 REP cases.

# OGC Work Load Projected to Increase

- ❑ Possible Election for 40,000 + Transportation Security Officers
- ❑ DoD and other Agency Budget Cuts and Reorganizations
- ❑ Stand up of Consumer Financial Protection Bureau

# Case Process Improvement

- ❑ Rebuilding OGC staff levels as quickly as resources permit.
  
- ❑ Implementing case processing improvements:
  - Incorporated pre-complaint ADR into ULP Regulations
  - E-filing
  - Remote Access Voting
  - Web-based conferences to facilitate stipulations settlement, pre-hearing preparations
  - Video REP hearings
  
- ❑ Goal, once optimal staffing level is reached, restore 90 day time target for ULP and REP case processing and meet that target at least 85% of the time.